

Message

From: Terriquez, Joe [terriquez.joe@epa.gov]
Sent: 6/28/2018 8:59:42 PM
To: Meyer, Jonathan [Meyer.Jonathan@epa.gov]
CC: Werner, Leslye [Werner.Leslye@epa.gov]
Subject: RE: Call from Williams' Gas attorney

Thanks for the update. Have we heard anything from Tim Sullivan on if they plan to reach out for a global on this or not?

From: Meyer, Jonathan
Sent: Thursday, June 28, 2018 3:55 PM
To: Terriquez, Joe <terriquez.joe@epa.gov>
Subject: Call from Williams' Gas attorney

Hi Joe,

I received a call this afternoon from Gary Keele, attorney for the Conway facility. He was hoping for an update on our inspection. He mentioned the confidentiality agreement with Kansas that covered OOOOa, and said he thought they were working through the LDAR issues with the state. He was aware of the questions you sent him recently. He asked if I knew whether he should expect an enforcement response from EPA or Kansas, and was worried there was a dual track.

I told him that I didn't believe an enforcement path had been determined. I asked him if he had talked with KS about the OOOOa delegation issues. He said he only found out late in the game that KS did not have delegation (at which point I explained how that process works, which he said he was aware of). He wondered how KS could place OOOOa requirements in a Title V permit if they don't have delegation, and I explained that issue to him as well (Title V permits must contain all applicable requirements, even if the state has not accepted delegation). I told him that because KS doesn't have delegation, that it would be within EPA's purview to determine enforcement options.

He said that they had received notification from KS about the OOOOa delegation, and that is why they sent the initial notification to EPA.

He asked if they should be submitting separate info to us under EPA's audit policy. I told him that I would leave that up to him. I told him I didn't think that they would qualify for the audit policy given that they are a title V source and the timing of EPA's discovery of noncompliance, but he could look at the policy. I told him I would expect we would be discussing Williams' efforts at complying with OOOOa and their disclosure to KS at some point in the future.

Finally, I told him that we have 114 authority, but given that the questions you sent Williams seemed limited in scope, that they were asked informally. I told him my only concern about doing so was if the company wished to claim any of the response as CBI, in which case I advised him to submit the response via hard copy. He appreciated the info, but thought that the info would not be subject to a CBI claim.

I told him that once we had determined an enforcement path, I would be in touch with him.

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